

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

10th Legislative Day

March 1, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the gallery please rise? Our prayer today will be given by Pastor Rick Wenneborg, Chatham Christian Church, Chatham, Illinois. Pastor Wenneborg.

PASTOR RICK WENNEBORG:

(Prayer by Pastor Rick Wenneborg)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, February 21st; Thursday, February 22nd; and Tuesday, February 27th, 2001.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approve the Journals just read. There being no objection, so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Wednesday, February 28th, in the year 2001, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

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Senator Myers just moved to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, Mr. President, I was just curious to what kind of mood you're in today.

PRESIDENT PHILIP:

Just grouchy as ever. Yeah. Senator Demuzio.

SENATOR DEMUZIO:

Well, this is -- this is not, obviously, the time to ask you about a co-presidency. Bad time?

PRESIDENT PHILIP:

Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports Senate Bill 174 Do Pass, and Senate Resolution 41 Be Adopted.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Bills 231, 298 and 305 Do Pass; and Senate Bill 164 Do Pass, as Amended.

Senator O'Malley, Chair of the Committee on Financial Institutions, reports Senate Bill 368 Do Pass, as Amended.

Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Bill 285 Do Pass; and Senate Bills 129 and 289 Do Pass, as Amended.

And Senator Lauzen, Chair of the Committee on Commerce and Industry, reports Senate Bills 62, 252 and 281 Do Pass.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that

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the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 154, 208, 293, 313 and 449.

All passed the House, February 28th, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker, what purpose do you rise?

SENATOR PARKER:

For the purposes of tabling a bill. I would like to have a motion -- I will -- present a motion to table Senate Bill 23.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker moves to table Senate Bill 23. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and Senate Bill 23 is tabled. Resolutions.

SECRETARY HARRY:

Senate Resolutions 65 and 66, offered by Senator Sullivan.

And Senate Resolution 67, by Senator Myers.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 293.

(Secretary reads title of bill)

Offered by Senators Geo-Karis and Peterson.

Senator Ronen offers House Bill 447.

(Secretary reads title of bill)

House Bill 449, presented by Senator Petka.

(Secretary reads title of bill)

And House Bill 469, by Senator Dudycz.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - Senate Resolution 40; referred to the Committee on Judiciary - Senate Bill 721; re-referred from the Committee on Licensed Activities to the Rules Committee - Senate Bill 721.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver, what purpose do you rise?

SENATOR WEAVER:

Thank you, Mr. President. Let the record reflect that Senator Madigan, Robert Madigan, will not be with us today. He's away on legislative business.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Weaver. If you'll bring your attention to the top of page 2 of your regular Calendar, we will be going to the Order of Senate Bills 2nd Reading. Top of page 2, in the Order of Senate Bills 2nd Reading, is Senate Bill 19. Senator Lauzen. Do you wish the bill read? Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 19.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 31. Senator Dillard. Senator Dillard. Senate Bill 50. Senator Syverson. Senator Syverson. Senate Bill 64. Senator Silverstein. Senator Silverstein. Senate Bill 98. Senator Cullerton. Senator Cullerton. Senate Bill 103. Senator Luechtefeld. Senate Bill 104. Senator Luechtefeld. Senate Bill 107. Senator del Valle. Mr. Secretary, read the bill.

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SECRETARY HARRY:

Senate Bill 107.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 109. Senator del Valle. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 109.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 149. Senator Donahue. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 149.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 168. Senator Myers. Out of the record. Senate Bill 184. Senator Luechtefeld. Senator Luechtefeld. Senate Bill 187. Senator O'Malley. Senate Bill 264. Senator Mahar. Senate Bill 275. Senator Parker. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 275.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 325. Senator Link. Senator Link. Mr. Secretary, read the bill.

SECRETARY HARRY:

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Senate Bill 325.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the bottom of page 2, in the Order of Senate Bills 2nd Reading, is Senate Bill 330. Senator Sieben. Out of the record. On top of page 3, in the Order of Senate Bills 2nd Reading, is Senate Bill 370. Senator Rauschenberger. Senator Rauschenberger. Senate Bill 371. Senator Rauschenberger. Senator Rauschenberger. Senate Bill -- 382. Senator Syverson. Senator Syverson. Senate Bill 758. Senator Rauschenberger. Senator Rauschenberger. It is the Chair's intent to go to the Order of 3rd Reading, in the middle of page 3, very shortly. So will the Members that have bills on 3rd Reading who wish to have them moved please be in your chairs. We will be going to that order of business immediately. In the middle of page 8, in the Order of Senate Bills 3rd Reading, is Senate Bill 8. Senator Bowles, do you wish to have the bill read? 3rd Reading. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Senate Bill 8 makes a change and amends the Street Light District Act. And what it does, what it proposes to do, is to increase the annual salary of the trustees of the lighting district from three hundred dollars per annum to a maximum of a thousand dollars per annum. The salary for the trustees of street light districts was set in 1953. There has

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been no change in the Act or any change in the amount of potential compensation during this entire time. If there are any questions, I would be happy to answer. Otherwise, I would ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Mr. President, I don't have a question on the bill specifically, but as I take a look at our analysis, there's no analysis on the computer system. So it's hard to make a judgment before we go to a vote. It might just be my computer, but I would ask, you know, that -- it would seem to me that we would need to have analyses to refer back to.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Lauzen. We're checking that right now. Senator Welch, what purpose do you rise?

SENATOR WELCH:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR WELCH:

One of our Senators is having her thirty-seventh birthday today. Senator Halvorson, Debbie Halvorson, is having her birthday. She did bake a cake. We're waiting for it to be delivered, and it should be -- should be coming pretty... If not, we'll have it next week. It's also Cindy Huebner's birthday, our crackerjack staff person. Where is she? There she is, back here. Cindy Huebner's also celebrating her thirty-seventh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, Senator Halvorson and Cindy. Many more. Senator Bowles, we're still waiting for a response regarding the computer glitch which is preventing the analysis on our laptops.

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So we'll get back to you shortly. Senator Lauzen -- Senator Lauzen, I have been -- the Chair has been informed that the problem regarding your computer glitch is being repaired, being repaired as we speak. It should be fixed momentarily, so we will continue with the order of business of Senate Bills 3rd Reading. We were on Senator Bowles' Senate Bill 8. Is there any further discussion? If not, Senator Bowles to close.

SENATOR BOWLES:

Thank you, Mr. President. So that there's a little bit further explanation, that the first time that this -- the potential increase, which could be any -- any amount of money in between three hundred and a thousand dollars annually, would go into effect with the trustees whose terms begin on or after the first day of May, 2002. If there are no questions, I would appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 8 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 12 Nays, none voting Present. And Senate Bill 8, having received the required constitutional majority, is hereby declared passed. Senate Bill 12. Senator Shadid. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 12.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President, Members of the Senate. Senate Bill 12 does two things. It repeals the Wildlife Prairie Park Act,

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which became unnecessary once the State acquired the park, and it designated the Wildlife Prairie Park as the Hazel and Bill Rutherford Wildlife Prairie (State) Park in Peoria County. Hazel and Bill Rutherford were the founders of the park, and it seems only just that we recognize the hard work and dedication they put forth in this park by naming it after them. So I would ask you to join me, and if you have any questions, be glad to answer 'em.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of Senate Bill 12. Hazel and Bill Rutherford were special people in terms of this park. For those of you who haven't been to Wildlife Prairie Park, it's in Senator Shadid's district. And we both invite you to come and see it. It's a magnificent park. You really all ought to see it. It's a treasure for the State of Illinois. As we're pleased that after these years of legislative maneuverings and negotiations, that Governor Ryan could take the action that he did last year. And Bill Rutherford built this park from the ground up. It's a tremendous facility. And I proudly join Senator Shadid in sponsoring Senate Bill 12.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall Senate Bill 12 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. And Senate Bill 12, having received the required constitutional majority, is hereby declared passed. Senate Bill 37. Senator Silverstein. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 37.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This is my James Bond bill. This is a bill that would outlaw the sale, manufacture or purchase of a firearm in the shape of a wireless phone. These phones are -- these guns are making their way through Europe and we're trying to prevent them in the United States. As Senator Hawkinson said in committee, 007 was unavailable for testimony. So we ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 37 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. And Senate Bill 37, having received the required constitutional majority, is hereby declared passed. Senate Bill 65. Senator Silverstein. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 65.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This amends the Illinois Patronage Act -- Parentage Act. I'm sorry. What it does, it prohibits the removal of a child during the pendency of a custody proceeding. There was a case recently in Cook County, In re the Marriage of

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Melton, where the court said that nowhere in the statute, not only in the Marriage Act or the Parentage Act, enjoins a parent from removing the child.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in -- I think we need to change the board.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Well, if you rise to change the board...

SENATOR HAWKINSON:

All right. I -- no, I -- I rise to oppose the bill as well. I opposed it in committee. Right now, you can get an injunction against removing a child from the State under the Marriage and Dissolution (of Marriage) Act. This would also allow that authority to happen under the Parentage Act. My problem with doing it under the Parentage Act is that it will almost always be used against the mother. This was opposed by the Coalition Against Domestic Violence in committee, and I also oppose it because this would allow an injunction by someone who's not even been declared the father yet, potentially, in a -- in a petition for paternity, someone who's not been declared the father to stop the mother of the child, whether for reasons of safety or otherwise, from moving this child from the State. So I reluctantly rise in opposition to Senate Bill 65.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I concur with Senator Hawkinson because I used to do an awful lot of domestic cases. And I haven't done them for fifteen years, but I can tell you he's absolutely right in his analysis of it. And I

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-- much as I like the sponsor of the bill, I rise reluctantly to oppose it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. I initially, in -- in listening to this presentation of this bill in committee, voted in favor of the legislation. However, after further discussion about this legislation with Senator Hawkinson, I've decided that it's probably the right thing to do to change my thinking. The reason for this is twofold. First of all, as Senator Hawkinson has already pointed out, that an individual who has refused to acknowledge that he is even the father, in -- in terms of the -- of the minor that's in question, has the right, under this legislation, to seek an injunction against a mother even though he may not be paying any support, even though he may not be claiming even to be the father. And I think that, because of that, we would be setting a very bad public policy in connection with permitting individuals who claim no responsibility and who do not even claim parentage to be able to force a woman to -- to stay in the circumstances that she finds herself that she wishes to escape from. The second situation is that I think that if there is to be a remedy at all for this type of action, it should be when parents acknowledge paternity and are married and that we should not be giving a -- a father the opportunity by injunction to prevent a child from leaving the State. In Will County, a couple years ago, a -- an officer in one of the branches of the military came with a court order out of the State of New Mexico to Will County and was able to, literally, snatch a seven- or eight-month-old child from -- from the arms of -- from -- of the mother on the basis that he had -- he claimed to be the father. There had been no paternity test that had been run.

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There had been absolutely no definitive genetic test that would have concluded that he was the father. Yet, on the basis of simply a statement that he had made, he was able to take the child himself and leave the State for five months. And this child was still being nursed. I think that that circumstance is simply not hypothetical and that because of the -- what I consider now to be the very compelling reasoning and logic of Senator Hawkinson, I now stand in opposition to the legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

I thought we addressed some of these concerns in committee, but I'll take it out of the record and see if we can discuss this more.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Out of the record. In the middle of page 3, in the Order of Senate Bills 3rd Reading, is Senate Bill 93. Senator Rauschenberger. Senate Bill 95. Senator Peterson. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 95.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 95, as amended, stipulates that recording of maps and plats does not apply towards plats for consolidation or subdivision of two or more contiguous parcels in territory outside a municipality's jurisdiction if the intent of the consolidation or subdivision is to bring a nonconforming parcel into conformance with local zoning

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requirements. Ask you for support of Senate Bill 95, as amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill... Senator Hawkinson, what purpose do you rise?

SENATOR HAWKINSON:

Purpose of a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator Peterson, do you still have to record a plat if ownership is changing?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 95 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. And Senate Bill 95, having received the required constitutional majority, is hereby declared passed. Senate Bill 101. Senator Sieben. Out of the record. With leave of the Body, we will return to the top of page 3, in the Order of Senate Bills 2nd Reading, to hear Senate Bill 758 with Senator Rauschenberger. On top of page 3, in the Order of Senate Bills 2nd Reading, is Senate Bill 758. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 758.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Hopefully, Republican Members got notice of a meeting we're going to have in Room 212 beginning at 11:30 or upon adjournment. We hope to start right after adjournment. So -- it's a walk-through on the Governor's proposed budget, together with some information for people for the weekend. We'll keep it fairly short. So, Room 212, immediately upon adjournment, Senate Republican optional caucus on the budget. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 155, offered by Senator Burzynski.

(Secretary reads title of bill)

Senator Klemm offers House Bill 196.

(Secretary reads title of bill)

House Bill 205, Senator Burzynski.

(Secretary reads title of bill)

And House Bill 476, offered by Senator Klemm.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today will be added to the Consent -- Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries and the resolutions are adopted. For the information of the Membership, we have effectively concluded the business of the day. We're just waiting for the adjournment resolution. And we will be returning to the Senate on Tuesday, March 6th, at 1 p.m. So you're free to go, Ladies and Gentlemen. We're just waiting for some paperwork. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 15, offered by Senator Weaver.

(Secretary reads SJR No. 15)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 15. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Now Senator Weaver has moved for the adoption of Senate Joint Resolution 15. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Weaver moves the Senate stands adjourned until the hour of 1 p.m., Tuesday, March 6th, 2001. Drive carefully.